

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

MAY 3, 2010

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Dr. Benoit, Mr. Biron, Mr. Leclerc, Mr. Zwolenski and Mr. Lovett. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.

MOMENT OF SILENCE

Mr. Lovett asked for a moment of silence for Mr. Tim McMullin, a teacher at Halliwell School, who passed away over the weekend.

POLICE DEPARTMENT AWARDS

Plaques/awards were presented by Chief Reynolds and Lieutenant Lafferty to Sergeant Bruce Senecal in recognition of his recent retirement, Francis Gallagher and Russell Amato for their promotions to Sergeant and Detective respectively, and to Jared Salinaro for "Officer of the Year".

PUBLIC HEARING RE: SLATERSVILLE HISTORIC DISTRICT

Mr. Lovett recused himself from this discussion as he is an abutter to the proposed district.

Jean Meo, representing the Congregational Church, relayed concerns about preserving the Church's right to make its own decisions and

choices regarding the exterior of their building. The parish doesn't stand to gain any tax benefits and grants are limited and extremely competitive. Often religious organizations are not eligible. Exterior materials other than wood and paint may be excluded from the guidelines. Mrs. Meo asked for language in the ordinance that would allow the Church flexibility in making exterior improvements and they would be willing to work with the Historic District Commission to achieve this.

Dr. Benoit suggested that the Congregational Church be excluded from the historic district.

When asked by Mr. Biron what the benefits to the town would be for having an historic district designation, Mrs. Hamilton explained the town retains the integrity, to the extent possible, of the way the village looked years ago, the preservation of the buildings and the feel of the community.

Mr. Biron had strong objections to restoration projects being dictated to residents.

Chair of the Historic District Commission Alison Peirce spoke about the benefit of homeowner tax credits for renovations. They are able to take twenty percent of the cost, up to \$2,000 per year for an extended amount of time. The commission has had no issues with homeowners even though compromises have been made. Mrs.

Peirce added that the commission adheres to the Secretary of the Interior standards that do not specifically state vinyl siding may not be used. It asks the homeowner to do whatever possible to maintain, protect and restore the wood.

Ted Sanderson, Executive Director of the Rhode Island Historical Preservation and Heritage Commission, addressed some questions. He explained the National Park Service is considering creating a new National Historical Park unit in the Blackstone Valley, in areas that are important to the history of industrialization in America. Mr. Sanderson stated it would be better if all properties, including the Church, were part of the historic district. The Town could craft the things about a building that the Historic District Commission could regulate and there could be a separate list of things they didn't regulate. A set of criteria for the Union Village district could be different from a Slatersville district.

Mr. Zwolenski believed that if a homeowner presently has an asphalt roof that needed to be replaced, it could be done with asphalt. The twenty percent tax credit would assist the homeowner should he decide he wanted to change to a slate roof.

May 3, 2010

John Sutherland of 4 Green Street voiced his concerns that a burden is being placed on the homeowner and there may be difficulty in selling a property because of it being in an historic district. There does not appear to be some great benefit to the town. He felt the vote should be up to those who actually live in the proposed district.

Carol Shumway lives in the Union Village historic district and believes that statistics show the value of your property goes up in an historic district.

Gary Ezovski of 88 North Main Street noted that an historic district in Slatersville had been proposed in 1993. The Council at that time did not proceed because there were too many uncertainties. Mr. Ezovski, in his position as Chairman of the SBA Economic Summit Regulation Sub-Committee, has been attempting to reduce the complexities in trying to obtain building permits in the State of Rhode Island as the state has the reputation of being the worst in the country. He finds that designating an historic district is creating another layer of government and feels that it is far from a win/win situation for the homeowner. Mr. Ezovski agreed with Mr. Sutherland that the homeowners should be the ones to make the decision.

Town Planner Robert Ericson explained that historic districts are not zoning districts even though the procedure to establish an historic district is similar. The reason the town is attempting to create an historic district is because it is a prerequisite to being considered for

National Park status. One benefit would be that the National Park Service would probably put up a small visitor center. He envisions specialty retail shops in the granite buildings that are now underused.

Mr. Ericson does not see it as anything more than recognition of the quality of Slatersville. Value of property is preserved through consistency.

After hearing comments from the audience, Mr. Zwolenski, who initially believed everyone would be in favor of an historic district, now felt the residents need to be empowered with making the decision as they are being restricted on the use of their property.

Mr. Leclerc also was under the impression that everyone would want to have an historic district. He is an advocate of preserving the area but also believes the property owner should be involved in the decision.

Dr. Benoit sees this as an effort by a few to impose their will and the financial burden on the property owners and he does not appreciate imposition on property owner rights.

Mr. Biron agreed with Mr. Ezovski that seventeen years later nothing has changed with the properties in Slatersville and he does not see the need to establish a district now.

John Flaherty of 10 Green Street agreed that the decision should

come from the homeowners who actually live in the proposed district. He would welcome the opportunity and thinks there could be specific language that would not preclude the homeowner's right to do certain things. Mr. Flaherty believes the intent of an historic district is to guide additions or new construction.

Mrs. Hamilton suggested a study group to determine exactly what is important to the residents and, based on that, craft language that would be beneficial to them.

Several of the residents agreed to meet.

MOTION by Mr. Zwolenski, seconded by Dr. Benoit, and voted 4 to 0 on a roll call vote to continue this public hearing regarding the creation of the Slatersville Historic District to July 19, 2010 at 7:00 P.M.

**PUBLIC HEARING RE: EXEMPTION TO NOISE ORDINANCE –
WOONSOCKET CONGREGATION OF JEHOVAH'S WITNESSES**

The Woonsocket Congregation of Jehovah's Witnesses came before the Council to request a temporary exemption to the noise ordinance that would allow them to have loud activities during the construction of a

May 3, 2010

Kingdom Hall located at 1054 Victory Highway. The dates and

additional times they requested are Saturdays, May 29 and June 5, 2010 from 4:30 P.M. to 8:00 P.M. and Sundays, May 30 and June 6, 2010 from 7:30 A.M. to 8:00 P.M.

Architect Eric Jacobson explained this building would be constructed as an old-fashioned barn raising and members would be coming from all over New England to take part. The exemptions are requested to minimize the time needed to finish. During those two weekends, the framework would be completed, painting and carpeting would be done and the landscaping would be finished.

Mr. Leclerc had a problem with this project taking place on Memorial Day weekend.

Brad and Catherine Sudol of 1030 Victory Highway, direct abutters, brought a tape recording of the noise they have been subjected to over the last six months. Citing Sundays as their day away from work, the Sudols were totally against granting an exemption.

Neighbors Ken and Brenda Brand, Diane Guernon and Brian Nichols all spoke against granting this request.

Paul Soares, who was a member of the Ordinance Review Committee that created the noise ordinance, stated there was a reason for it. The ordinance allows people to enjoy peace and quiet on Sundays. He felt the Council shouldn't even consider an exemption.

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to close the public hearing at 9:12 P.M.

MOTION by Mr. Biron and seconded by Mr. Zwolenski to deny the applicant's request for an exemption to the noise ordinance for Sunday of both weekends because an undue hardship has not been shown.

Following clarification of the motion, Mr. Zwolenski withdrew his second and subsequently Dr. Benoit seconded the motion.

Roll call: Dr. Benoit – yes; Mr. Biron – yes; Mr. Leclerc – no; Mr. Zwolenski – no and Mr. Lovett – no. The motion failed 3 to 2.

MOTION by Mr. Leclerc to deny the applicant's request to work on Sundays, May 30th and June 6th as well as on the Saturdays, May 29th and June 5th.

Mr. Nadeau explained once again that a motion cannot be made to deny the congregation to work on those days. This is a request for an exemption to the noise ordinance not an exemption to a work ordinance.

Mr. Leclerc withdrew his motion.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted 4 to 1 (Dr. Benoit voted no) on a roll call vote that an exemption from the noise ordinance shall not be granted to the Woonsocket Congregation of Jehovah's Witnesses.

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted 4 to 1 (Mr. Biron voted no) on an aye vote to move up the following items on the agenda: 1.) Claim for Damaged Vehicle – P. Fontaine; 2.) Second Reading Ordinance Amendment Re: Redevelopment Agency; 3.) Discussion on Skateboard Park; 4.) Request for Roadway Repairs – K. Raspallo and 5.) Executive Session.

DAMAGED VEHICLE CLAIM – P. FONTAINE

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted 4 to 1 (Mr. Biron voted no) on an aye vote to continue this to May 17, 2010 as no one was present to answer questions.

2ND READING ORDINANCE AMENDMENT RE: REDEVELOPMENT AGENCY

Dr. Benoit suggested several corrections:

Section 17.10(b)(5) change from Periodical reports to Periodic reports.

May 3, 2010

Section 17.11(a)(2) spelling correction to the word "powers".

Section 17.11(a)(7) change a sentence to read, “and with reasonable notice to enter upon any building or upon property etc.”

Section 17.11(a)(11) Delete “Any lease or sale of the property may be made without public bidding provided, however, that” leaving the rest of the sentence to read, “No sale or lease shall be made until at least ten days after the town council has received from the agency a report concerning the proposed sale or lease.”

Section 17.12 change the dollar amount to \$1,000.00 instead of \$1.00.

Section 17.21(b) Sentence to read, “If any Planning Board or Zoning Board approval is also required, the application form and checklists of the Planning Board or Zoning Board (or only Planning Board if acting as both pursuant to any provision of the Rhode Island General laws) shall be utilized by the redevelopment agency.”

Section 17.5(b) Regarding appointments, strike the words, “all subject to the approval of the council.”

Section 17.5(c) Change sentence to, “The regular members who are first appointed shall be designated by lottery to serve for terms of one (2 members) two (2 members) three, four, and five years respectively.”

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to table the second reading to May 17, 2010.

SKATEBOARD PARK

Mr. Ed Couture of 7 Duane Court, whose son used the skateboard park, felt people should have received notice from the town before dismantling the equipment. Kids are now going on other properties and the liability is falling on those property owners. Mr. Couture thought the equipment was going to be stored but he has pictures that show the equipment is now all broken.

It was explained to Mr. Couture by both Mr. Lovett and Mrs. Hamilton that there were tremendous liability issues with the town's insurer, not to mention the graffiti and the vandalism that had occurred.

Mr. Biron had made a motion at the April 5th meeting to check with the Benetti family and the Substance Abuse Task Force prior to taking the park apart and to see whether the equipment could be sold rather than stored for any length of time and the money used for other recreational purposes.

Mr. Zwolenski had also recommended checking to see if any federal funds had been used in the construction.

Mrs. Hamilton met with some kids, some parents, the Substance

Abuse Task Force, the Public Safety Commission and a police officer to discuss possible options. She spoke with a designer about locations. There are some grants available but nothing can get done quickly. Mrs. Hamilton is still in the study process.

ROADWAY REPAIRS TO HOMECREST AVENUE – K. RASPALLO

Mr. Raspallo was unable to attend the meeting this evening.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to table this discussion to May 17, 2010.

EXECUTIVE SESSION

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to enter into executive session at 10:11 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss the Lacouture claim and pursuant to RIGL 42-46-5(A)(5) Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of public held property wherein advanced public information would be detrimental to the interest of the public to discuss a potential lease.

May 3, 2010

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted

unanimously on an aye vote to come out of executive session at 10:24 P.M. and to seal the minutes. No motions were made and no votes were taken.

(Mr. Nadeau left at this time.)

CAPITAL BUDGET REQUESTS

After a review of capital requests by Planning Board members, Town Planner Robert Ericson stated the School Department request for \$25,104 to restore the water supply at North Smithfield Elementary School is the only thing that is critical at a level by itself.

Being such a lean year, Mr. Pendergast and Mr. Ericson suggested establishing a “capital opportunity account” for at least \$20,000 where if something came on the market that the Public Works Department really needed and they could get it at a steal price, funds would be available.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote at 10:33 P.M. to extend the meeting to 11:00 P.M.

Mr. Ericson continued that the Police Department probably needs cars more than anything else. He recommended that in the future this be considered as part of the operational budget because it does not meet the requirement of ten years of useful life. Mr. Ericson

suggested rebuilding vehicles to include the front end, engine, etc.

The Fire Department needs a new roof. The question is if they are under contract to us, and they own the buildings, why would that not be their internal capital account negotiated through the general contract.

Emergency Management requested \$12,785 for a storage trailer and supplies for mobile staging. Again Mr. Ericson suggested a “capital opportunity account” to find a used trailer and sources of obtaining materials at or below cost.

TRANSFER OF BVL LIQUOR LICENSE – ORI, INC. D/B/A HERCULES PIZZA RESTAURANT

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski and Dr. Benoit, and voted unanimously on an aye vote to table this to May 17, 2010 at the applicant’s request because he does not yet have a Certificate of Good Standing.

AUCTION, VICTUALING AND OUTDOOR SOUND SYSTEM PERMIT – HOLY GHOST SOCIETY OF NORTH SMITHFIELD

MOTION by Dr. Benoit, seconded by Mr. Leclerc, and voted unanimously on an aye vote to grant the request of the Holy Ghost Society of North Smithfield for an auction license, a victualing license and an outdoor sound system permit for their festival to be held on August 7 and 8, 2010 and to waive all fees.

GRACE PERIOD FOR TAX COLLECTIONS

Once again Dr. Benoit stated that he would like to have an established written policy for a three-day grace period so that all taxpayers are treated fairly and equally without prejudice or bias. He would also like a much more bold notice on the face of the tax bill to indicate the deadline.

Mrs. Hamilton explained that both the Assistant Tax Collector and the Finance Director were against changing the date because of the potential loss of revenue.

MOTION by Dr. Benoit, seconded by Mr. Biron, and voted unanimously on an aye vote that the notice of penalty be in bold print on the face of the bill.

STREET LIGHT SHUT-OFFS

Dr. Benoit asked if the one hundred street lights had been turned off and whether the floodlight that shines on Town Hall could be shut off.

May 3, 2010

Mr. Ericson recalled there was a \$30,000 decrease in the budget based on the fact the town could turn off all the street lights. If the town had done that, the town would have saved \$3,400. You are allowed

five percent of the total street lights to be removed. You can redcap them for \$25.00. The savings in one year is \$21.00. For every street light that is capped you lose \$4.00. The town is still paying for the amortized cost which is \$79.00 per year. Mr. Ericson used an example of 1500 street lights with an average cost of \$100.00 each. Once the town learned it could not get the redcap fee waived, seventy-two lights were originally turned off. There were fourteen complaints so ten or twelve of the lights were turned on again. Another round of lights is expected to be shut off in mid-June.

ORDINANCE REVIEW COMMITTEE APPOINTMENTS

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to move this item up on the agenda.

In a letter to the Council, Mr. Ericson stated the Planning Board designated Arthur Bassett as its representative, the Conservation Commission designated Paul Soares and the Industrial Development Commission designated Al Puccetti. It was learned that the Zoning Board appointed William Jühr.

Mr. Ericson suggested that Ruth Pacheco, James Brennan and Caroly Shumway be reappointed to the public-at-large positions.

MOTION by Mr. Leclerc and seconded by Dr. Benoit to appoint Vincent Marcantonio.

MOTION by Mr. Zwolenski to nominate Caroly Shumway. There was no second.

MOTION by Mr. Zwolenski and seconded by Mr. Leclerc to nominate James Brennan.

MOTION by Dr. Benoit and seconded by Mr. Biron to nominate Robert Nault.

MOTION by Mr. Zwolenski and seconded by Mr. Biron to nominate Ruth Pacheco.

MOTION by Mr. Zwolenski and seconded by Mr. Lovett to nominate Caroly Shumway.

Mr. Zwolenski spoke about the nominations of two people who are currently on boards and questioned why they did not seek the nomination from those boards. There are three other people sitting in the audience who have been on the Ordinance Review Committee and who have been diligent and learned much about land development and subdivision regulations.

MOTION by Mr. Zwolenski, seconded by Dr. Benoit and Mr. Leclerc, and voted unanimously on an aye vote at 11:06 P.M. to extend the meeting to 11:30 P.M.

Dr. Benoit found it curious that Mr. Zwolenski objected to having two members of the same boards on this committee. At a prior meeting Dr. Benoit had raised a serious objection to the fact of having too many members of the Valley Alliance on the committee. Mr. Zwolenski seems to have no issue with that.

Roll call on the nomination of Vincent Marcantonio for the first public-at-large appointment: Dr. Benoit – yes; Mr. Biron – yes; Mr. Leclerc – yes; Mr. Zwolenski – yes; Mr. Lovett – yes. The motion carried 5 to 0.

MOTION by Mr. Leclerc and seconded by Mr. Lovett to nominate James Brennan for the second public-at-large position.

MOTION by Dr. Benoit and seconded by Mr. Zwolenski and Mr. Biron to nominate Robert Nault for the second position.

May 3, 2010

Roll call on the nomination of James Brennan: Dr. Benoit – no; Mr. Biron – no; Mr. Leclerc – yes; Mr. Zwolenski – yes; Mr. Lovett – yes. The motion carried 3 to 2.

MOTION by Dr. Benoit and seconded by Mr. Biron to nominate Robert Nault for the third public-at-large position.

MOTION by Mr. Zwolenski and seconded by Mr. Lovett to nominate Caroly Shumway for the third position.

Roll call on the nomination of Robert Nault: Dr. Benoit – yes; Mr. Biron – yes; Mr. Leclerc – yes; Mr. Zwolenski – no; Mr. Lovett – no. The motion carried 3 to 2.

MOTION by Mr. Leclerc and seconded by Mr. Zwolenski to accept the nominations of Arthur Bassett from the Planning Board, Paul Soares from the Conservation Commission, Alfred Puccetti from the Industrial Development Commission and William Juhr from the Zoning Board.

After further discussion it was decided to vote on the nominees individually. The motion and second were withdrawn.

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to accept the nomination of Arthur Bassett to the Ordinance Review Committee.

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on a roll call vote to accept the nomination of Paul Soares.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted

unanimously on a roll call vote to accept the nomination of Alfred Puccetti.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted 4 to 1 (Mr. Biron voted no) on a roll call vote to accept the nomination of William Jühr.

MUNICIPAL COURT

Mr. Biron spoke with Representative Newberry who explained the legislation is stuck in Committee because of the conflict between the House and the Senate over the budget. It could possibly be up for a vote before June.

FISCAL YEARS 2009, 2010 AND 2011 BUDGETS

Mrs. Hamilton said Finance Director Brian Silvia is working on various scenarios. Tax Assessor Chris Belair should have final figures to the Administrator the week of May 7th. Mrs. Hamilton is still waiting to hear if the town will receive any of the excise tax for the fourth quarter.

INSTALLATION OF WIND MONITORING EQUIPMENT

Dr. Benoit stated the Town applied for and received a grant for wind-monitoring equipment in the amount of \$9,800.00 and he asked where this stood. Dr. Benoit was anxious to begin getting revenue for the town.

Mr. Ericson explained that the problem with Woonsocket Hill is that there is an existing tower there, an insufficient fall space and an access agreement that does not allow anything but service to the tower.

Other possible locations were discussed.

Mr. Ericson said the wind-monitoring equipment would be ordered either Friday or Monday and installed probably by the end of the month.

(Mrs. Hamilton left at 11:33 P.M.)

MOTION by Dr. Benoit, seconded by Mr. Leclerc, and voted 4 to 1 (Mr. Lovett voted no) on an aye vote to permit the Town Administrator to expend funds to get the monitoring equipment installed as soon as possible.

May 3, 2010

MOTION by Dr. Benoit, seconded by Mr. Leclerc and Mr. Biron, and voted unanimously on an aye vote to adjourn at 11:41 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk